

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re: LeClairRyan PLLC, Debtor.¹	Case No. 19-34574-KRH Chapter 7
Lynn L. Tavenner, as Chapter 7 Trustee, Plaintiff, vs. ULX Partners, LLC, UnitedLex Corporation, and ULX Manager, LLC, Defendants.	Adv. Pro. 20-03142-KRH
Lynn L. Tavenner, as Chapter 7 Trustee, Plaintiff, vs. CVC Capital Partners, Daniel Reed, Nicholas Hinton, Josh Rosenfeld, and P. Douglas Benson, Defendants.	Adv. Pro. 21-03095-KRH

**MOTION TO EXPEDITE HEARING ON FOLEY & LARDNER LLP'S MOTION
REQUESTING AUTHORIZATION TO SEAL ITS LIMITED OBJECTION TO THE
TRUSTEE'S MOTION AND MEMORANDUM OF LAW FOR ENTRY OF AN ORDER
(I) APPROVING (A) JUDICIALLY MEDIATED SETTLEMENT AND (B)**

¹ The principal address of the Debtor as of the petition date was 4405 Cox Road, Glen Allen, Virginia 23060, and the last four digits of the Debtor's federal tax identification number are 2451.

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**COMPENSATION TO COUNSEL INCLUDING AN IMPROVIDENT PAYMENT
UNDER SECTION 328(a); AND (II) GRANTING RELATED RELIEF**

Foley & Lardner LLP (“**Foley**”), by and through its undersigned counsel, moves the Court (this “**Motion**”) for (A) an expedited hearing on its *Motion Requesting Authorization to Seal its Limited Objection* (the “**Objection Sealing Motion**”) [ECF No. 1363] *to the Trustee’s Motion and Memorandum of Law for Entry of an Order (I) Approving (A) judicially Mediated Settlement and (B) Compensation to Counsel Including an Improvident Payment under Section 328(a); and (II) Granting Related Relief* (the “**Settlement Motion**,” and the settlement attached thereto, the “**ULX Settlement**”) [ECF No. 1328], and (B) to shorten the notice period. In support hereof, Foley states as follows:

BACKGROUND

1. On April 19, 2022, at a hearing before this Court, counsel for the Chapter 7 Trustee (the “**Trustee**”) set forth on the record terms of a settlement agreement reached by the parties in the above captioned adversary proceedings (the “**Adversary Proceedings**”).

2. On May 11, 2022, ULX Partners, LLC, UnitedLex Corporation, and ULX Managers, LLC (collectively, the “**ULX Defendants**”) filed a *Motion to Seal Settlement Agreement and Related Documents, Information, and Hearings* [ECF No. 1325] (the “**ULX Settlement Sealing Motion**”).

3. On May 18, 2022, the Trustee filed the Settlement Motion under seal, seeking the Court’s approval of the ULX Settlement. [ECF No. 1328].

4. On May 23, 2022, John P. Fitzgerald, III, Acting United States Trustee for Region Four (the “**UST**”) filed his Opposition to the ULX Settlement Sealing Motion. [ECF No. 1333].

5. The Court scheduled a hearing on the ULX Settlement Sealing Motion for May 25, 2022. [ECF No. 1326]. It held the hearing on that date and then continued it until May 26, 2022.

[ECF Nos. 1340, 1341].

6. On May 26, 2022, the Court held the continued hearing on the ULX Settlement Sealing Motion and issued an order temporarily sealing certain matters [ECF No. 1347] (the “**Temporary Sealing Order**”), pursuant to which matters are “to be sealed and/or filed under seal pending final determination [of the ULX Settlement Sealing Motion] at June 8, 2022 hearing.” [ECF No. 1347].

7. On June 1, 2022, Foley filed a limited objection to the Settlement Motion (the “**Objection**”). [ECF No. 1365].

8. The Settlement Motion and the Objection will be heard at the Court’s next hearing on June 8, 2022. *See* ECF No. 1329.

9. Foley filed the Objection under seal in order to comply with the Temporary Sealing Order.

BASIS FOR REQUESTING AN EXPEDITED HEARING

10. Foley respectfully requests that a hearing be held on this Motion at the Court’s earliest availability, and in no event later than June 8, 2022.

11. An expedited resolution of this Motion appears appropriate in the interests of judicial economy and the terms of the Temporary Sealing Order, and the Objection Sealing Motion and this Motion may be heard together on June 8, 2022.

12. Good cause exists to grant this Motion, insofar as the Objection Sealing Motion to which it pertains, and both the Objection and the Settlement Motion to which the Objection Sealing Motion pertains, are set for hearing on June 8, 2022.

13. Foley submits that no party has been, or will be, prejudiced by the relief sought in the Objection Sealing Motion, insofar as Foley filed the Objection Sealing Motion to comply with the Court’s own Temporary Sealing Order, and parties in interest have been afforded notice and

an opportunity to object.

14. As set forth in the accompanying certification, the need for a shortened time for hearing on the Objection Sealing Motion has not been caused by Foley. This certification, as required by Local Rule 9013-1(N), is attached hereto as **Exhibit A**. A proposed order is attached hereto as **Exhibit B**.

15. Foley submits that holding an expedited hearing in this situation will not prejudice any party.

WHEREFORE, Foley requests that the Court hear the Objection Sealing Motion on an expedited basis and allow the usual noticing and response period to be shortened to permit the Objection Sealing Motion to be heard by no later than June 8, 2022, and for such other and further relief as the Court shall deem necessary and just.

Date: June 3, 2022

Respectfully submitted,

/s/ Susan Poll Klaessy
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of June, 2022, a true and correct copy of the foregoing document was served via first class mail and/or electronic mail upon: (i) all parties and counsel requesting service via the Court's ECF system, (ii) the Office of the United States Trustee, (iii) Special Counsel to Lynn L. Tavenner, Chapter 7 Trustee, (iv) the 20 largest unsecured creditors as listed on the Debtor's schedules, (v) the defendants in the above-captioned adversary proceedings, (vi) all Persons identified in paragraph 4 of the FAO Procedures Order, and (vi) the Service List as defined by the governing Case Management Order and filed by counsel to the Chapter 7 Trustee.

/s/ Susan Poll Klaessy

Susan Poll Klaessy (VSB No. 87021)

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Exhibit A

Certification Pursuant to Local Rule 9013-1(N)

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re: LeClairRyan PLLC, Debtor.¹	Case No. 19-34574-KRH Chapter 7
Lynn L. Tavenner, as Chapter 7 Trustee, Plaintiff, vs. ULX Partners, LLC, UnitedLex Corporation, and ULX Manager, LLC, Defendants.	Adv. Pro. 20-03142-KRH
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CERTIFICATION PURSUANT TO LOCAL RULE 9013-1(N)

Foley & Lardner LLP (“**Foley**”), by counsel, hereby certifies that it:

1. Has carefully examined this matter and concluded that there is a true need for an expedited hearing;

¹ The principal address of the Debtor as of the petition date was 4405 Cox Road, Glen Allen, Virginia 23060, and the last four digits of the Debtor’s federal tax identification number are 2451.

2. Has not created the emergency through any lack of due diligence; and
3. Has made a bona fide effort to resolve the matter without hearing.

Date: June 3, 2022

Respectfully submitted,

/s/ Susan Poll Klaessy
Susan Poll Klaessy (VSB No. 87021)
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Exhibit B

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re: LeClairRyan PLLC, Debtor.¹	Case No. 19-34574-KRH Chapter 7
Lynn L. Tavenner, as Chapter 7 Trustee, Plaintiff, vs. ULX Partners, LLC, UnitedLex Corporation, and ULX Manager, LLC, Defendants.	Adv. Pro. 20-03142-KRH
Lynn L. Tavenner, as Chapter 7 Trustee, Plaintiff, vs. CVC Capital Partners, Daniel Reed, Nicholas Hinton, Josh Rosenfeld, and P. Douglas Benson, Defendants.	Adv. Pro. 21-03095-KRH

ORDER GRANTING EXPEDITED HEARING

Upon the motion of Foley & Lardner LLP (“**Foley**”), by counsel, requesting an expedited hearing (the “**Motion to Expedite**”) on *Foley & Lardner LLP’s Motion Requesting Authorization*

¹ The principal address of the Debtor as of the petition date was 4405 Cox Road, Glen Allen, Virginia 23060, and the last four digits of the Debtor’s federal tax identification number are 2451.

*to Seal (the “**Objection Sealing Motion**”) Its Limited Objection (the “**Objection**”) to the Trustee’s Motion and Memorandum of Law for Entry of an Order (I) Approving (A) judicially Mediated Settlement and (B) Compensation to Counsel Including an Improvident Payment under Section 328(a); and (II) Granting Related Relief (the “**Settlement Motion**”); and upon the representations by Foley that good cause exists for granting an expedited hearing on the Objection Sealing Motion; and this Court having found that proper and adequate notice of the Motion to Expedite has been given and no other or further notice is necessary; and this Court having found that good and sufficient cause exists for granting the relief set forth in the Motion to Expedite; it is hereby ordered that:*

1. The Motion to Expedite is GRANTED.
2. The Motion to Expedite shall be heard on June 8, 2022 at 1:00 p.m. (EST) in addition to the Objection Sealing Motion and the Settlement Motion and the Objection thereto.
3. Notice of the Motion to Expedite and the Objection Sealing Motion as provided therein is deemed good and sufficient notice.
4. This Court shall retain exclusive jurisdiction over any and all matters arising from or related to the implementation of this ORDER.

Entered: _____
Richmond, Virginia

THE HONORABLE KEVIN R. HUENNEKENS
UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

/s/ Susan Poll Klaessy

Susan Poll Klaessy (VSB No. 87021)

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Counsel for Foley & Lardner LLP

CERTIFICATION OF PROOF OF SERVICE
UNDER LOCAL BANKRUPTCY RULE 9022-1(C)

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been served upon all necessary parties.

Dated: June 3, 2022

/s/ Susan Poll Klaessy